

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> June 1, 2008
	<b>Section 22:</b> School Transfers and Legal Settlement <sup>1</sup>	<b>Version:</b> 1

<b>POLICY</b>	<b>OLD POLICY: 404.331</b>
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The Indiana Department of Child Services (DCS) will partner with the resource family and the Child and Family Team (CFT) to arrange for a child in out-of-home care to remain at their home school. See separate policy, [5.7 Child and Family Team Meetings](#).

The Indiana Department of Child Services (DCS) will provide the court with the following addresses:

1. The child's current placement and
2. The current residence of the child's parent/guardian/custodian so that the court may determine legal settlement<sup>2</sup>.

The DCS local office will notify in writing the school corporation where the child has legal settlement and/or the school corporation where the child will be attending school:

1. Within 10 days of initial placement or change in placement, regarding where the child will attend school; and
2. Annually, regarding whether the child's current school placement is anticipated to continue in the ensuing school year.

#### Code References

1. [IC 20-26-11: Legal Settlement and Transfer of Students](#)
2. [IC 31-34-20-5: Determination and reporting of legal settlement of child](#)
3. [IC 31-34-21-10: Review of child's legal settlement](#)

<b>PROCEDURE</b>
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The FCM will:

1. Assist the resource family in arranging transportation in an effort to allow the child to remain at his/her home school.
2. Using the [Notification of Change of Placement in School Corporation \(SF47412\)](#) form, notify the appropriate school corporation if transportation cannot be arranged and the child is unable to remain at his/her school of legal settlement.

**Note:** The [Notification of Change of Placement in School Corporation \(SF47412\)](#) form is to be completed only if the child transfers to a new school outside of the school corporation of legal settlement. This is required because the school corporation of legal settlement is required to pay transfer tuition to the new school corporation where the child will attend school.

<sup>1</sup> Legal settlement defines which school corporation has responsibility for payment of the child's education expenses.

3. Provide the court with the following addresses:
  - a. The child's current placement; and
  - b. The current residence of the child's parent/guardian/custodian so that the court may determine legal settlement.
4. If the parent/guardian/custodian moves, notify the court with the new address, so that the court can re-determine legal settlement. This may be done as part of a progress report to the court.

The Regional Manager will:

1. Assure that before June 30 of each year, the appropriate school corporations are notified of whether the child's placement is anticipated to continue in the subsequent school year, using the [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#) form.

## PRACTICE GUIDANCE

N/A

## FORMS AND TOOLS

1. [Notification of Change of Placement in School Corporation \(SF47412\)](#) – Available in ICWIS
2. [Annual Notification of Continuation of Placement in School Corporation \(SF49812\)](#)

## RELATED INFORMATION

### Legal Settlement

[IC 31-34-20-5: Determination and reporting of legal settlement of child](#) and [IC 31-34-21-10: Review of child's legal settlement](#) require the court to make findings regarding the "legal settlement" of all children placed in residential or other out-of home placement. Legal settlement defines which school corporation has responsibility for payment of education costs. If the child is placed in a school within the school corporation where the child has legal residence, no transfer tuition is required. However, if the child is placed in a school corporation different from the school corporation where the child has legal settlement, the school corporation where the child has legal settlement is required to pay transfer tuition.

### If the Child's Parent/Guardian/Custodian Moves

The person completing the [Notification of Change of Placement in School Corporation](#) or the [Annual Notification of Continuation of Placement in School Corporation](#) should include the current address of the child's parent/guardian/custodian and the school corporation of legal settlement, most recently determined. The school corporation of legal settlement and/or the Indiana Department of Education will address any conflicts.

**Legal Settlement and Termination of Parental Rights**

If parental rights are terminated, the court should re-determine legal settlement. If the child is in his/her permanent placement, then the address of that placement should be provided to the court. If the child is not in his/her permanent placement, the address of the current resource parent (s) should be provided to the court. The address of the DCS local office should only be provided for the purpose of determining legal settlement if no other address can be used and the DCS local office is located with in the same school district as the child attends.

**Date of Court Order**

The FCM must include the date the court agreed to the recommended placement on the Notification of Change of Placement in School Corporation or the Annual Notification of Continuation of Placement in School Corporation to the school corporations.